

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERARD A MCHALE,  
Plaintiff,

v.

SILICON VALLEY LAW GROUP,  
Defendant.

Case No. [10-cv-04864-JCS](#)

**COURT'S PROPOSED VERDICT FORM**

Dated: September 12, 2013

  
JOSEPH C. SPERO  
United States Magistrate Judge

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

- 1. Do you find that Plaintiff GERARD A. McHALE, P.A., TRUSTEE OF THE 1031 DEBTORS LIQUIDATING TRUST (the “BANKRUPTCY TRUSTEE”), has proved by the preponderance of the evidence that SILICON VALLEY LAW GROUP was negligent?**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

If your answer to Question 1 is “Yes,” please answer Question 2. If your answer to Question 1 is “No,” do not answer any further questions. Please have the Jury Foreperson sign and date this Verdict Form and return it to Ms. Karen Hom.

2. Do you find that BANKRUPTCY TRUSTEE has proved by a preponderance of the evidence that SILICON VALLEY LAW GROUP's negligence was a substantial factor in causing harm to 1031 Advance?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

If your answer to Question 2 is "Yes," please answer Question 3. If your answer to Question 2 is "No," do not answer any further questions. Please have the Jury Foreperson sign and date this Verdict Form and return it to Ms. Karen Hom.

1       **3. Do you find that SILICON VALLEY LAW GROUP has proved by a preponderance**  
2       **of the evidence that the criminal conduct of Edward Okun was a superseding cause of**  
3       **1031 Advance's damage?**

4       \_\_\_\_\_ **Yes**                      \_\_\_\_\_ **No**

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16       If your answer to Question 3 is "No," please answer Question 4. If your answer to Question  
17       3 is "Yes," do not answer any further questions. Please have the Jury Foreperson sign and date  
18       this Verdict Form and return it to Ms. Karen Hom.  
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1       **5. Comparative fault: Do you find that SILICON VALLEY LAW GROUP has proved**  
2       **by a preponderance of the evidence that 1031 Advance was negligent?**

3               \_\_\_\_\_ **Yes**

4               \_\_\_\_\_ **No**

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16               If your answer to Question 5 is “Yes,” please answer Question 6. If your answer to  
17       Question 5 is “No,” do not answer any further questions. Please have the Jury Foreperson sign  
18       and date this Verdict Form and return it to Ms. Karen Hom.  
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1       **6. Comparative Fault: Do you find that SILICON VALLEY LAW GROUP has proved**  
2       **by a preponderance of the evidence that 1031 Advance’s negligence was a substantial**  
3       **factor in causing harm to 1031 Advance?**

4       \_\_\_\_\_ **Yes**                      \_\_\_\_\_ **No**

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17       If your answer to Question 6 is “Yes,” please answer Question 7. If your answer to  
18       Question 6 is “No,” do not answer any further questions. Please have the Jury Foreperson sign  
19       and date this Verdict Form and return it to Ms. Karen Hom.  
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7. What percentage of responsibility for 1031 Advance's harm do you assign to:

**SILICON VALLEY LAW GROUP** \_\_\_\_\_%

**1031 ADVANCE, INC.** \_\_\_\_\_%

DATE \_\_\_\_\_

SIGNATURE OF FOREPERSON \_\_\_\_\_